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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,402	12/01/2003	Klaus Simon	081468-0307087	8896
909	7590	04/27/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			KIM, PETER B	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			2851	

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No.	Applicant(s)	
	10/724,402	SIMON ET AL.	
	Examiner	Art Unit	
	Peter B. Kim	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date. <u>32006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's arguments filed on March 3, 2006 have been fully considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 11, and 16, the terms "exposure" and "exposing" are not clear. In claim 1, the substrate is subjected to "different fluid or exposure processes." Does the term "exposure" refer to projecting the patterned beam and exposing the substrate to the beam or does it mean exposing it to the fluid? Since claims 11 and 16 claim exposing the substrate to a fluid, do fluid process and exposure process mean the same thing?

Further regarding claim 1, the term "different" is not clear. Is the substrate subject to different types of fluids? Are the fluid process and the exposure process the same? If the processes are not the same, is the term "different" redundant?

Regarding claims 1, 11 and 16, do substrate and fluid interact and cause a process to take place without being exposed to the projection beam? If yes, what does that process establish as opposed to exposure to the projection beam?

The remaining claims, not specifically mentioned, are rejected for incorporating the defects from the base claim by dependency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Garner et al. (Garner) (2002/0041420).

Garner discloses a lithographic projection apparatus and a device manufacturing method comprising a radiation system (12), a patterning structure (34) configured to pattern the projection beam; a substrate table configured to hold a substrate (24), a projection system (22) and a fluid processing cell in communication with a surface of a substrate (36, 48), and different areas of the substrate subject to different fluid or exposure process simultaneously (Fig. 3).

Garner discloses a plate member (64) having walls and contacting the substrate. Garner discloses fluid inlet and outlet (Fig. 3, ref. 50, 52).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garner in view of Amorese et al. (Amorese) (2004/0043494).

Garner discloses a lithographic projection apparatus and a device manufacturing method comprising a radiation system (12), a patterning structure (34) configured to pattern the projection beam; a substrate table configured to hold a substrate (24), a projection system (22) and a fluid processing cell in communication with a surface of a substrate (36, 48), and different areas of the substrate subject to different fluid or exposure process simultaneously (Fig. 3).

Garner discloses a plate member (64) having walls and contacting the substrate. Garner discloses fluid inlet and outlet (Fig. 3, ref. 50, 52). However, Garner does not disclose the fluid processing cell comprising a plurality of separate chambers. Amorese discloses in Fig. 1 and para 0062-0068 and 0090, having separate chambers for the fluid. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the separate walls for the fluid to the invention of Garner in order to prevent unintended chemical reaction as taught by Amorese in para 0021 and 0090.

Response to Arguments

Regarding the list of patent applications submitted, the list are considered but not initialed and returned because application numbers are not printed on the face of the patent.

Regarding claim 11 and 16, because the fluid is provided to the substrate and only a portion (the target portion) of the substrate is exposed to the patterned beam, fluid processing and exposure are carried out at least partially simultaneously.

Art Unit: 2851

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter B. Kim whose telephone number is (571) 272-2120. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Peter B. Kim
Primary Examiner
Art Unit 2851

April 12, 2006